

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW MEXICO**

CHRISTOPHER GRAHAM, an individual on
behalf of himself and all others similarly
situated,

Plaintiff,

Civ. No. 02-0369 MV/RLP

vs.

VENGROFF, WILLIAMS & ASSOCIATES,
Inc.,

Defendant.

MEMORANDUM OPINION AND ORDER

THIS MATTER comes before the Court on Defendant's Motion for Reconsideration of Order Granting Motion for Attorney's Fees, filed January 5, 2004, [Doc. No. 74]. The Court, having considered the motion, briefs, relevant law and being otherwise fully informed, finds that the motion is not well-taken and will be **DENIED**.

On November 17, 2003, Plaintiff filed a motion and brief seeking attorney's fees and costs. Plaintiff granted Defendant an extension until December 5, 2003, to respond to the motion for fees and costs. Defendant failed to file a response or seek any additional extension from Plaintiff or the Court prior to December 5, 2003. On December 15, 2003, Defendant sought an additional extension from Plaintiff. Plaintiff did not consent to the requested extension.

On December 16, 2003, Defendant filed a motion with the Court requesting an extension of time in which to file a response. In the motion, Defendant provided no explanation for his

failure to seek an extension until eleven days after the response was due, in violation of Local Rule 7.6(a). Consequently, the Court denied Defendant's untimely motion for an extension of time in which to file and serve its response to Plaintiff's motion for attorney's fees. *See* December 19, 2004 Order.

On January 5, 2004, Defendant filed this motion seeking reconsideration of the Court's order denying Defendant's untimely request for an extension of time to file his response. In this motion, Defendant asserts that Plaintiff's motion for attorney's fees and costs does not comply with local rules and should be stricken. Whether Plaintiff complied with local rules, however, provides no basis for the Court to reconsider its denial of Defendant's untimely motion for an extension.

IT IS THEREFORE ORDERED that Defendant's Motion for Reconsideration of Order Granting Motion for Attorney's Fees, filed January 5, 2004, [Doc. No. 74] is hereby **DENIED**.

Dated this 17th day of March, 2004.



MARTHA VAZQUEZ
CHIEF UNITED STATES DISTRICT JUDGE

Attorneys for Plaintiff:

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